

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2157

Bertha Mae McBride,

Appellant,

v.

Rose Higgins, Administrative Review
Officer, McPherson Unit, ADC,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: March 31, 2004

Filed: May 5, 2004

Before MELLOY, HANSEN, and COLLOTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Bertha Mae McBride brought a 42 U.S.C. § 1983 action against administrative review officer Rose Higgins. McBride alleged that, after she filed a grievance complaining about continued harassment by two officers, Higgins issued her a “major disciplinary” for using the grievance process. The disciplinary resulted in a classification reduction, thirty days in segregation, and the loss of good-time credit. McBride sought punitive damages and restoration of her good-time

credit and class. Prior to service, the district court¹ dismissed her complaint without prejudice. McBride appeals.

The district court properly dismissed McBride's action after concluding that her claim was foreclosed by Heck v. Humphrey, 512 U.S. 477 (1994) (to recover damages for unconstitutional conviction or imprisonment, or for harm from actions whose unlawfulness would render conviction or sentence invalid, § 1983 plaintiff must prove conviction or sentence has been reversed, expunged, declared invalid, or called into question), because she challenged discipline that included the loss of good-time credit, and a judgment in her favor would necessarily imply the invalidity of her disciplinary conviction. See Edwards v. Balisok, 520 U.S. 641, 644-48 (1997) (extending Heck to prison discipline decisions).

Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47A(a).

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the Honorable John F. Forster, Jr., United States Magistrate Judge for the Eastern District of Arkansas.